

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NAPOLEON VARGAS,

Plaintiff,

-against-

RELIANT REALTY AND AHMED
TAYLOR,

Defendant.

CIVIL ACTION NO.: 13 Civ. 2341 (PGG)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the attached affidavit of Ahmed Taylor, sworn to the 4th day of November, 2013, the Memorandum of Law in Support of the Motion to Dismiss, the Notice to Pro Se Litigant Who Opposes a Rule 12 Motion Supported by Matters Outside the Pleadings and upon the amended complaint together with all documents and exhibits annexed thereto and upon all previously submitted papers, defendants Reliant Realty Services, Inc. (incorrectly named as Reliant Realty) and Ahmed Taylor will move this court, before the Honorable Judge Paul Gardephe, U.S.D.J. on December 23, 2013 at the Daniel Patrick Moynihan United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 12(b)(1) and (6) of the Federal Rules of Civil Procedure dismissing plaintiff Napoleon Vargas's amended complaint and complaint upon the grounds that the Court lacks jurisdiction over this case, upon the grounds that the plaintiff has failed to exhaust his administrative remedies, upon the grounds that plaintiff is barred from raising claims under the New York State Executive Law, upon the grounds that there is no individual liability against defendant Ahmed Taylor, upon the grounds that the plaintiff has failed to state a claim upon which relief can be granted and for such other and further relief as this Court may deem just and proper.

Dated: November 4, 2013

/s/ Stuart Weinberger

Stuart Weinberger, Esq.
Goldberg and Weinberger LLP
Attorneys for Defendants Reliant Realty and
Ahmed Taylor
630 Third Avenue, 18th Floor
New York, New York 10017
(212) 867-9595 (Ext. 313)

To Mr. Napoleon Vargas
519 Jefferson Avenue
Rockville Centre, New York 11570